HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 738 (M/S) of 2001
(Old No. 39661/1996)

Smt. Alka Jain and another. ....Petitioners

Vs

State of U.P. and another. .....Respondents

Dated:- 1.10.2004

Hon'ble Rajesh Tandon J.

By the present writ petition the petitioners have prayed for issue of a writ, order or direction in the nature of certiorari quashing the order dt. 21-5-1996 passed by respondent No.1 and order dt. 13-6-1996 passed by respondent No.2. Further prayer has been made for a writ of mandamus commanding the respondent No.2 to decide the case of the petitioner on merits.

The petitioners have applied for sanction of map for constructing the residential building over the land. The said application was rejected, the petitioners approached to the State Government, the State Government has already rejected the same.

However since then, the circumstances have been changed completely.

Liberty is given to the petitioners to apply for sanction a fresh, which shall be considered by the MDDA in accordance with law and if the petitioners have complied the defects, which were pointed out earlier, the Development Authority shall consider the same in accordance with law and pass suitable order.

Liberty is given to the petitioners to apply for a fresh and the sanction shall be considered within a period of 6 weeks from the filing of the certified copy of the order.

In view of the aforesaid observation, the writ petition is disposed of.

(RAJESH TANDON J.)

Dated:- 1-10-2004

M.K.